

Application No.: 09/974710

Case No.: 55526US002

Interview

Applicants thank the Examiner for the telephone interview conducted on August 25, 2006 between Examiner Catherine Simone and Applicants' representative Colene Blank. The parties to the interview discussed Claim 1 and the Abe and Hata references. No agreement was reached as to the claims.

Remarks:

Applicants thank the Examiner for the withdrawals of the rejections listed on page 2 of the present Office Action. Claims 1, 3-8, 10-17, 19-22, 26-53, and 55-60 are pending. Claims 2, 9, 18, 23-25, 54, and 61-67 are canceled. Claims 36-52 are withdrawn from consideration. Claims 1 and 22 are currently amended.

§ 102 Rejections

Claims 1, 3-8, 11, 13, 19-21 and 28-35 stand rejected under 35 USC § 102(b) as being anticipated by Abe (WO 99/58620). The Examiner states that Abe discloses the elements of the claims, including that Abe disclosed discrete reservoirs between the structured surface of the adhesive layer and the backing. The Examiner points to page 9, lines 30-31 of Abe for support of this assertion.

This rejection is respectfully traversed. Page 9, lines 30-31 of Abe discloses that the adhesive layer is disposed on the surface of a channel breathing layer, and this space forms a continuous channel communicating with the outside. The present application claims *discrete* reservoirs between the structured surface of the adhesive layer and the backing. The term *discrete* is defined in the application at page 8, lines 5-7 (of the application as filed) as compartmentalizing and minimizing communication between the contents of neighboring reservoirs. Therefore, the discrete reservoirs do not communicate with the outside as taught in Abe.

Claim 1 recites the "discrete reservoirs," and is therefore not anticipated by Abe. Each of claims 3-8, 11, 13 19-21 and 28-35 depends, either directly or indirectly, on Claim 1, the are therefore also not anticipated by Abe. Withdrawal of the rejection is respectfully requested.

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Claims 1, 3-8, 10, 12, 14, 15, 19-21 and 28-35 stand rejected under 35 USC § 102(b) as being anticipated by Hata (WO 97/33946). The Examiner states that Hata discloses the elements of the claims, including that Hata discloses a non-structured exposed surface that can be adhered to a target substrate. The Examiner points to Figure 2b, element 6 for support of this assertion.

This rejection is respectfully traversed. Figure 2b, element 6 in Hata is a non-adhesive flexible substrate. See page 9, lines 9-12 of Hata. It is laminated to the adhesive. Since it is not adhesive, it can not be adhered to a target substrate. Claims 1 has been amended to clarify the difference for the Examiner. Support for the amendment can be found, for example, in Figure 11c and the description.

Claim 1, as amended, recites a non-structured exposed adhesive surface that can be adhered to a target substrate, is therefore not anticipated by Hata. Each of claims 3-8, 10, 12, 14, 15, 19-21 and 28-35 depends, either directly or indirectly, on Claim 1, the are therefore also not anticipated by Hata. Withdrawal of the rejection is respectfully requested.

Claims 53 and 55 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent Number 5,158,557 to Noreen et al. ("Noreen"). The Examiner states that Noreen discloses the elements of the claims, including that Noreen discloses a cap layer laminated to a structured surface of the first layer. The Examiner points to Figure 12, element 26 for support of this assertion.

This rejection is respectfully traversed. Figure 12 shows a structured surface that is releasable from the non-structured adhesive surface. See Col. 11, lines 4-17 of Noreen (fastening tab 22 is releasable from target strip 14). Such a construction is not laminated together. Claim 53 recites that the cap layer is laminated to the structures surface of the first layer, and is therefore not anticipated by Noreen. Claim 55 depends from Claim 53, and is therefore also not anticipated by Noreen. Withdrawal of the rejection is respectfully requested.

§ 103 Rejections

Claims 22, 26 and 27 stand rejected under 35 USC § 103(a) as being unpatentable over Hata. Claim 22 has been amended to disclose that the backing is flexible. Support for the amendment can be found, for example, at page 10, line 30. The Examiner points to Figure 2 as support for the rejection. However, figure 2, element 3 is the adherend (see, for example, page

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16, lines 5-6 characterizing the element 31 as the adherent surface.) Hata discloses, at page 17, lines 1-5 exemplary adherends, which are not necessarily flexible. Claims 26 and 27 depend directly from Claim 22. Applicant respectfully submits that this rejection has been overcome.

Claims 22, 26 and 27 stand rejected under 35 USC § 103(a) as being unpatentable over Abe. Claim 22 recites "discrete reservoirs," not disclosed in Abe for the reasons detailed above. Therefore, a prima facie case of obviousness has not been made with respect to Claim 22. Claims 26 and 27 depend directly from Claim 22. Withdrawal of the rejection is respectfully requested.

Claims 56-60 stand rejected under 35 USC § 103(a) as being unpatentable over Hata. Claims 56-60 depend from Claim 1. Hata fails to teach an element of Claim 1 as described above. Therefore, a prima facie case of obviousness has not been made with respect to Claims 56-60. Withdrawal of the rejection is respectfully requested.

Claims 10, 12, and 56-58 stand rejected under 35 USC § 103(a) as being unpatentable over Abe. Claims 10, 12, and 56-58 depend from Claim 1. Abe fails to teach an element of Claim 1 as described above. Therefore, a prima facie case of obviousness has not been made with respect to Claims 10, 12, and 56-58. Withdrawal of the rejection is respectfully requested.

Claims 14-17, 59 and 60 stand rejected under 35 USC § 103(a) as being unpatentable over Abe in view of U.S. Patent Number 6,197,397 to Sher et al. Claims 14-17, 59 and 60 depend from Claim 1. Abe fails to teach an element of Claim 1 as described above. Sher fails to remedy the deficiency in Abe. Therefore, a prima facie case of obviousness has not been made with respect to Claims 14-17, 59 and 60. Withdrawal of the rejection is respectfully requested.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

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Date

Respectfully submitted,

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